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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,252	09/21/2001	David L. Brugman	LUT 2 0078 Brugman 2-2-2-	4331
7590 04/23/2004			EXAMINER	
Richard J. Minnich, Esq. Fay, Sharpe, Fagan, Minnich & McKee, LLP 1100 Superior Avenue Seventh Floor Cleveland, OH 44114-2518			AL AUBAIDI, RASHA S	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 04/23/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,252

Applicant(s)

BRUGMAN ET AL.

Examiner

Rasha S AL-Aubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 22 and 23 have been renumbered as 23 and 24.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear if there is any relationship between the two limitations "a monitor connection..." and "a controller configured". The claim is not understood because the components "host telecommunications switch", "controller", "PSTN", and "RSM" appear to be unrelated.

Dependent claims 2-12 are rejected for the same reason because they depend from rejected claim 1.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

✓ 24
6. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Patel et al (US PAT # 6,600,811).

Regarding claim 1, Patel teaches an apparatus comprising: a monitor connection (the "monitor" reads on emergency call monitor 110 in end office 102, Fig. 1) for receiving out of band signaling (reads on SS7, see col.3, lines 22-23) from a host telecommunications switch (reads on 911 office 104, Fig. 1), and a

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controller (reads on processor 202, see Fig. 2 and col.3, lines 55-63) configured to monitor traffic (see col.3, lines 55-63) between the publicly switched telephone network (between telephone 112 and end office 102, PSTN is inherent but not shown, see col. 2, lines 55-58) and a remote switching module (RSM reads on PSAP 106, see col.2, 51-53).

Claims 13 and 22 are rejected for the same reasons as discussed above with respect to claim 1. Also, the claimed limitation of "computer program product" as recited in claim 22 reads on the software program that runs on the switching module 402, see col. 5, lines 5-11.

Claim 2 is rejected for the same reasons as discussed above with respect to claim 1. In addition, the claimed "umbilical link" reads on trunk 114, see Fig. 1, col. 2, lines 51-53, and col.3, lines 17-22).

Claims 3 and 16 recite the limitation of a "controller is configured to monitor called number information within out of band signaling from the host telecommunications switch". Basically all calls information including calling origination information and called destinations information must be analyzed and treated. Therefore, monitoring the called number information is inherent; see also background of the invention.

Regarding claim 4, Patel teaches the controller (204, Fig.2) is configured

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to monitor (via the monitor 208) calling number information within out of band signaling from the host telecommunications switch (this simply reads on determining the call type, such as 911 calls, see col.4, lines 11-30 and col.5, lines 10-23).

Regarding claims 5 and 17, Patel teaches the controller is configured to monitor originating point codes within the out of band signaling from the host telecommunications switch (see col.5, lines 9-28).

Regarding claim 6 and 18, Patel teaches the controller is configured to monitor destination point codes within the out of band signaling from the host telecommunications switch (this reads on monitoring if this is a 911 call or not).

Regarding claim 7, Patel teaches the controller (202) is configured to report incoming usage ("track the progression of the calls") to the remote switching module from all other switches within the PSTN.

Claims 8-9 and 19-21 are rejected for the same reasons as discussed above with respect to claim 7.

Regarding claim 10, Patel teaches the controller is configured to report usage of the umbilical link for calls between lines terminated by the remote switching module (see col.3, lines 29-39).

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✓ Regarding claims 11-12, Patel teaches the controller (202) is configured to report total usage related to each outgoing point code for calls terminating at the remote switching module (see col.4, lines 18-41).

Regarding claims 14-15 and 23-24, Patel teaches the controller (202) compiling call related data associated with the calls of interest and providing reports related to the calls of interest (this reads on tracking the call records and determining the type of call and whether it is a emergency call or not, see col.3, lines 55-63).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rakoshitz et al (US PAT # 6,578,077) discloses a method implements a traffic monitoring or profiling of incoming and outgoing information.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The

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fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner

Rasha S. Al-Aubaidi

04/14/2004



AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700